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August 9, 2021

### **Via ECF**

Honorable Leda Dunn Wettre, U.S.M.J  
United States District Court  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

**Re: Deborah Gross-Quatrone v. Bonnie Mizdol, et al.**  
**Docket No.: 2:17-cv-13111-SDW-LDW**

Dear Judge Wettre:

We represent the Defendants in the above matter. We write to the Court in brief response to the August 6, 2021 submission of Plaintiff, to clarify any confusion that Plaintiff may have as to the relief sought by our letter of August 5, 2021.

First, we did not ask Your Honor to determine the briefing schedule for the appeal. Indeed, at the end of our letter, we respectfully asked Your Honor to address the scheduling of Plaintiff's deposition and the request for assistance in clawing back documents at the status conference, *not* to set the appeal deadlines. The purpose of the status letter was to advise Your Honor of where the parties stood which, unfortunately, is with no advancement on the case because Plaintiff has *still* not been deposed. We advised Your Honor that Plaintiff's appeal had not been filed and that attempts to agree on a briefing schedule were unsuccessful. In light of the newly provided information that Plaintiff intended to file her appeal by August 9, 2021, we proposed a condensed timeframe to permit Plaintiff's deposition to proceed on August 16, 2021. Plaintiff's counsel is clearly rejecting that proposal and, once Plaintiff files her appeal, we will work out the scheduling with the reviewing judge.

Second, in correspondence to Plaintiff's counsel on August 2, 2021, I advised that August 16, 2021, worked for Plaintiff's deposition with the understanding that Plaintiff's counsel will seek an adjournment if there is not yet a resolution of the appeal. I further advised that **with that in mind**, we would move Judge Grant's deposition (which was scheduled for August 17<sup>th</sup>) but keep all other defense depositions as scheduled. Plaintiff's counsel disagreed, but there is no secret as to why we moved Judge Grant's deposition. Unlike Plaintiff's deposition, Judge Grant's deposition is not court ordered and we will provide dates in advance of the fact discovery end date.

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Third, contrary to Plaintiff's counsel's assertion in his August 6, 2021 letter, Defendants in the state matter are seeking appellate review and a stay of all of Judge Hurd's orders – on the motions to quash as well as on the motion to dismiss. We are seeking appellate review on the issue that the Superior Court lacks jurisdiction to hear the majority of Plaintiff's claims, which was the primary argument for the motion to dismiss and the motions to quash the subpoenas issued to three doctors, including Dr. Christine Ghilain.

Finally, we are solely asking Your Honor for assistance in clawing back documents inadvertently provided *in this* matter. We are not asking Your Honor to enjoin, dismiss, or take any action in the matter pending in state court and any assertion to the contrary is a misreading of our submission to this Court.

We thank Your Honor for your time and attention to this matter. We look forward to speaking with Your Honor on Thursday and will reserve any further comments and submissions until that time.

Respectfully submitted,  
**BROWN & CONNERY, LLP**

*s/ Kathleen E. Dohn*  
Kathleen E. Dohn

cc: Ralph Ferrara, Esquire (*via ECF and Electronic Mail*)  
Kevin Koch, Esquire (*via ECF and Electronic Mail*)  
Andrew Dwyer, Esquire (*via ECF and Electronic Mail*)